

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-091918

10/26/2010

COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IV-D ATLAS NO. 000647014800
STATE OF ARIZONA, EX REL, DES
JESSICA ELIZABETH SCAPELLATI

JESSICA ELIZABETH SCAPELLATI
5415 E MCKELLIPS RD #16
PHOENIX AZ 85215

AND

DEREK PAUL LUBINSKI

DEREK PAUL LUBINSKI
3970 E PINON CT
GILBERT AZ 85234

Booking No. P699466

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
COMM. NEWCOMB
WORK FURLOUGH-APO
DEREK PAUL LUBINSKI #P699466
MCSO INMATE MAIL
PHOENIX AZ 00000

IV-D ENFORCEMENT HEARING SET

Courtroom 404 - SEF

10:10 a.m. This is the time set for Review/Enforcement Hearing arising from Petitioner/Mother's pro per *Petition and Order to Show Cause Re: contempt* filed on January 8, 2010. Petitioner/Mother, Jessica Scapellati (hereinafter referred to as "Mother"), is present on her own behalf. Respondent/Father, Derek Lubinski (hereinafter referred to as "Father"), is present telephonically on his own behalf. The State is represented by Assistant Attorney General, Kathie A. Pearson.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-091918

10/26/2010

Prior to commencement of proceedings, Jessica Scapellati and Derek Lubinski are sworn.

The Court is advised that Father was picked up on a Child Support Arrest Warrant on September 7, 2010 for his failure to appear before Comm. Newcomb, who set a cash purge in the amount of \$6,000.00. Father's child support arrears total approximately \$6,000.00.

Counsel for the State recommends that Father be placed into the Work Release Program. Mother agrees that the purge should remain at \$6,000.00 but agrees that Father should participate in the Work Release Program.

Mother testifies that Father has not had a legitimate job for over two years. Mother agrees that Father should be placed on the Work Release Program, although she does not believe that Father will return to the Work Release Program if allowed to participate in that program.

Father testifies that he has employment lined up with two employers upon his release.

Based upon the testimony presented herein,

IT IS ORDERED affirming the Court's previous finding of contempt.

IT IS FURTHER ORDERED affirming the cash purge of \$6,000.00.

ANY MONIES PAID AS AND FOR PURGE SHALL BE FORWARDED TO THE CLERK OF THE COURT/CLEARINGHOUSE AND APPLIED TOWARD SUPPORT/ARREARAGE PAYMENTS.

IT IS FURTHER ORDERED that Father is eligible for participation in the Work Release Program on Monday through Saturday from 8:00 a.m. to 8:00 p.m.

Father is advised that the Court will consider modifying his work release hours if he makes consistent payments toward the cash purge.

IT IS ORDERED affirming Father's current child support obligation of \$323.00 per month.

IT IS FURTHER ORDERED affirming Father's payment on child support arrears of \$106.59 per month.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-091918

10/26/2010

It is the responsibility of the party obligated to pay support/maintenance to pay the support to the following:

**Support Payment Clearinghouse
P. O. Box 52107
Phoenix, Arizona 85072-2107**

Payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

WARNING: If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

The Court finds that this matter is appropriate for referral to Accountability Court.

IT IS THEREFORE ORDERED setting this matter for **IV-D Accountability Court on January 4, 2011 at 1:30 p.m.** Respondent **must** appear in person at the hearing which will be held before:

**The Honorable Casey Newcomb
Maricopa County Superior Court
Old Courthouse
125 W. Washington
Courtroom 002
Phoenix, AZ, 85003
602-372-2490**

FAILURE OF PETITIONER/RESPONDENT (*party paying monies*) TO APPEAR AT THE ABOVE DATE AND TIME MAY RESULT IN A FINDING OF CONTEMPT AND THE ISSUANCE OF A CHILD SUPPORT ARREST WARRANT AND A JUDGMENT MAY BE ENTERED FOR ANY ADDITIONAL ARREARAGES.

Petitioner/Respondent (*party receiving monies*) is welcome, but not required, to appear at the hearing. Telephonic appearance is not permitted by either party.

Father is advised in open court of the date, time, and location of this hearing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-091918

10/26/2010

IT IS ORDERED that the Attorney general's Office shall provide a copy of the arrearage calculation to Accountability Court prior to the hearing set herein.

Between now and the aforementioned hearing, the Court expects the Obligor to pay the court-ordered obligation each and every month. The payment is due on the first of each month and is late at the end of each month.

IT IS FURTHER ORDERED setting this matter for **Contempt/Review/Enforcement Hearing on November 30, 2010 at 10:00 a.m. (15 minutes allotted)** before Comm. Alysson Abe to discuss Father's progress of payment toward the \$6,000.00 cash purge.

The parties are to check in with the Assistant Attorney General at the following location:

**Maricopa County Superior Court
Southeast Court Facility
Outside of Courtroom 305
222 East Javelina
Mesa, AZ 85210-6201**

The parties will be directed to the appropriate courtroom at that time.

PLEASE BE ADVISED all IV-D matters are set for a 30-minute Conference (with the Assistant Attorney General), followed by a 15-minute hearing (with the commissioner). If the parties anticipate that the disputed issues can not be resolved within the time allotted for hearing (15 minutes), a Request for Additional Time can be submitted to the Court. If the Court grants the Request for Additional time, an evidentiary hearing will be set for a future date. Given the volume of cases on the Court's calendar and depending upon length of time requested, the evidentiary hearing date will typically be set two months out from the date of the Court's ruling.

DIRECTIONS:

Request for Additional Time/Evidentiary Hearing, must be submitted in writing. The Request should clearly list the issues to be raised and briefly summarize the nature of each dispute. The Request must be made within ten (10) days upon the filing date of this minute entry.

(Note: If the requesting party would like an expedited ruling, please include the non-requesting party's position in the Request. Otherwise, the non-requesting party has ten (10) days to respond.)

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-091918

10/26/2010

Unless a request for Additional Time is made or granted, the time allotted for Hearing is 15 minutes.

Father is hereby advised that in the event he fails to appear, the Court will proceed in his absence and make a decision based on the testimony and information presented, which may include entering a default judgment and revoking Father's Work Release status.

10:22 a.m. Matter concludes.

LATER:

MCSO is faxed a copy of the Order of Confinement by the above-named deputy clerk this date.

NOTICE: A child should not be brought to the Courthouse to be present during a Court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the Court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least seven (7) days before the commencement of the proceedings.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-091918

10/26/2010

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.